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Chairman: Mr. Wenaweser ..... (Liechtenstein)

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The meeting was called to order at 10.20 a.m.

Agenda item 104: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/57/L.74)

Draft resolution A/C.3/57/L.74: New international humanitarian order

1. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications.

2. **Mr. de Barros** (Acting Secretary of the Committee) read out the revisions that had been made during the introduction of the draft resolution.

3. *Draft resolution A/C.3/57/L.74, as orally revised, was adopted without a vote.*

4. **Ms. Mi Nguyen** (Canada), speaking also on behalf of Australia, Iceland, Liechtenstein, Norway, New Zealand and Switzerland, said that the draft resolution was an important contribution to the policy dialogue on humanitarian issues and a vehicle for identifying ways in which the international community could cooperate to assist populations affected by conflicts and natural disasters. Her delegation had joined the consensus on the resolution in the past. However, it was regrettable that, under pressure from certain Member States, two previously agreed paragraphs on humanitarian access and the safety and security of United Nations and other humanitarian workers had not been included in the text. Vulnerable populations had frequently been denied access to life-saving assistance by parties to a conflict or as a result of bureaucratic obstacles, and it was imperative for all Governments and parties concerned to ensure that humanitarian relief was provided to those most in need.

5. The matter had been the subject of reports by the Secretary-General to the General Assembly and the Security Council, and the General Assembly must continue to support such basic humanitarian principles if it wished to retain its moral authority. She hoped that the consensus could be restored when the draft resolution was next considered.

6. **Mr. Cardoso** (Brazil), speaking on behalf of the MERCOSUR countries and also Bolivia and Chile, said they regretted that the draft resolution had failed to include the key concepts of unhindered humanitarian access and the safety and security of human rights workers, and they hoped those omissions would be remedied in the future.

7. **Ms. Lutz** (United States of America) said that her delegation had supported General Assembly resolution 46/182 on the strengthening of the coordination of humanitarian emergency assistance of the United Nations and the seminal concepts it set forth. Since that time the United States had contributed to relief efforts in all parts of the world. Unfortunately, however, the sponsors of the draft resolution had failed to include the question of unhindered humanitarian access and the safety and security of humanitarian workers, which were crucial in the interest of saving lives, reducing suffering and helping recovery. The United States would continue to support the efforts of United Nations humanitarian agencies, but she hoped that those important issues would be included when the draft resolution was discussed again in future.

8. **Ms. Tomar** (India) said that her delegation understood the reference to an agenda for humanitarian action in paragraph 1 to mean an agenda based on the guiding principles clearly outlined in section I of the annex to General Assembly resolution 46/182, which had stood the test of time and would continue to help relieve pain and suffering, if applied. She presumed that the "new realities and challenges" mentioned in the same paragraph referred to the increasing number of people affected by humanitarian emergencies, and noted that by 2001 some 215 million people had been victims of natural disasters. Unfortunately, the increasing need for assistance had been coupled with a steady decline in available resources, notably those channelled through the consolidated appeals process. That process needed to be strengthened, something which represented a major challenge for the international community. She understood the regional organizations referred to in the eighth preambular paragraph to mean those organizations which had a mandate to deal with the issues addressed in the draft resolution.

9. **Ms. Grollová** (Czech Republic) said that her delegation supported the consensus on the draft resolution but, like Canada, regretted the failure to mention the issues of unhindered access for and the safety and security of humanitarian workers.

10. **Mr. Roshdy** (Egypt), supported by the representative of Algeria, said that his delegation fully supported the remarks made by India.

11. **Ms. Mohamed Ahmed** (Sudan) said that her delegation also supported the position taken by India, but wished to stress that humanitarian action should always be guided by the principles laid down in General Assembly resolution 46/182. Unhindered access for humanitarian workers was also very important in emergency situations, but should be subject to safeguards.

12. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 104.

Agenda item 109: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/57/L.37)

Draft resolution A/C.3/57/L.37: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

13. **The Chairman** invited the Committee to take action on the draft resolution, the programme budget implications which were set out in document A/C.3/57/L.88. He recalled that Nigeria, the Philippines and Suriname had also become sponsors.

14. **Mr. Simancas Gutiérrez** (Mexico), speaking on behalf of the sponsors, drew attention to a revision of the first preambular paragraph, which should read: "*Guided* by the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, and reaffirming States' obligation to promote and protect human rights and fundamental freedoms,". He announced that Bangladesh, Cape Verde, Colombia, the Democratic Republic of the Congo, El Salvador, Jordan and Mauritius had also become sponsors of the draft resolution.

15. With the inclusion of the revision and on the basis of the information set out in document A/C.3/57/L.88, he hoped that other countries would become sponsors of the draft resolution and that it would be adopted without a vote.

16. **The Chairman** announced that Mali and Honduras had also become sponsors.

17. *Draft resolution A/C.3/57/L.37, as orally revised, was adopted without a vote.*

18. **Mr. Foley** (United States of America) said that the United States had joined the consensus because it was itself a nation of immigrants dedicated to the protection of the rights of migrants. It supported many of the ideas contained in the draft resolution and urged others to respect them. The enjoyment of human rights by migrants varied widely from one country to another, and that issue needed to be addressed. However, his delegation believed that the Convention was not the most effective means of tackling the question and did not intend to become a party to it. With regard to paragraph 4 of the draft resolution, he would urge the Secretary-General not to utilize any regular budgetary funds to prepare the establishment of a new treaty body for the Convention until the Fifth Committee had had an opportunity to consider what means of funding should be used for that purpose.

Oral draft decision

19. **The Chairman** said he took it that the Committee wished to recommend to the General Assembly that it should take note of the report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (A/57/268), the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/57/308), and the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/57/400).

20. *It was so decided.*

21. **The Chairman** said that the Committee had thus concluded its consideration of agenda item 109 (a).

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/57/L.65)

Draft resolution A/C.3/57/L.65: The right to development

22. **The Chairman** invited the Committee to take action on the draft resolution, which had no programme budget implications.

23. **Mr. Ndimeni** (South Africa), speaking on behalf of the sponsors, said they regretted that, despite very extensive negotiations, it had proved impossible to achieve a consensus on the draft resolution. They nevertheless hoped that it would secure the broadest possible support.

24. **The Chairman** announced that Croatia had become a sponsor of the draft resolution.

25. **Ms. Meehan** (Australia), speaking in explanation of vote before the voting, said that, at the most recent session of the Working Group on the Right to Development of the Commission on Human Rights, consensus had been secured on a wide range of issues, and constructive conclusions and recommendations had been agreed. Her delegation had therefore been very disappointed that, shortly afterwards, the sponsors had introduced a draft resolution in the Commission on Human Rights that went far beyond the Working Group's recommendations, introducing elements which the latter had agreed needed more time for consideration. That approach had undermined the consensus achieved and, arguably, the very status and efficacy of the Working Group. The same sponsors were now submitting a draft resolution to the General Assembly containing exactly the same non-consensus elements and disregarding the conclusions and recommendations of the Working Group. As a result, her delegation would be compelled to vote against the draft resolution, although that was in no way a vote against the right to development.

26. **Mr. von Kauffmann** (Canada), speaking in explanation of vote before the voting, said that his delegation had hoped that the agreed conclusions of the Working Group could be used as a basis for the draft resolution in order to avoid a vote. It was therefore disappointing that the sponsors had submitted a draft resolution that was unbalanced and did not properly reflect those conclusions. Extensive informal consultations had been unable to produce a compromise.

27. His delegation's concerns regarding the text included the use of language from the World Conference against Racism taken out of context, an imbalance in the consideration of the international and national dimensions, and doubts regarding the capacity of the independent expert to prepare a study on the impact of international financial and economic issues on human rights. Furthermore, the proposal for the Office of the United Nations High Commissioner for Human Rights to undertake a study on the "core principles" was problematic, particularly with regard to the principle of equity, since it was unclear what the focus or parameters of the report would be. Indeed the same proposal had been rejected by the Working Group. He also questioned the need for a report by the Secretary-General, which would duplicate the work of the Working Group and the independent expert. Lastly, his delegation could not take note with appreciation of Commission on Human Rights resolution 2002/69 on the right to development, which had been adopted by a vote. It would therefore abstain during the vote on the draft resolution.

28. *At the request of the United States of America, a recorded vote was taken on draft resolution A/C.3/57/L.65.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines,

Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Marshall Islands, United States of America.

Abstaining:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

29. *Draft resolution A/C.3/57/L.65 was adopted by 114 votes to 3, with 47 abstentions.*

30. **Mr. McCamman** (United States of America) said that, although his delegation had hoped to be able to support a consensus, it had unfortunately been obliged to vote against the draft resolution because it disagreed profoundly on a number of points. It did not consider that macroeconomic policy, international trade, globalization and debt relief were proper subjects for consideration in United Nations human rights forums. It was not appropriate to seek to negotiate trade and economic concepts in a human rights context, and that approach would do nothing to further the next round of discussions in the Working Group on the Right to Development. Nor did his delegation support creating new and burdensome mandates in the field of development for the Office of the United Nations High Commissioner for Human Rights, when those matters were already being pursued by the appropriate United Nations development agencies. Apart from being wasteful, such an approach would divert scarce resources from human rights activities.

31. **Mr. Hahn** (Denmark), speaking on behalf of the European Union, said that the Union was committed to the right to development. It had participated actively in the negotiations on the current draft resolution and felt it was important for a consensus to be reached. However, the draft resolution was largely based on Commission on Human Rights resolution 2002/69, which the European Union had not supported. It had wanted to see the draft resolution based on the agreed conclusions reached at the most recent session of the Working Group. However, the draft went beyond those conclusions and quoted selectively from other negotiated documents taken out of context. That was why, despite extensive negotiations, it had not been possible to reach a consensus. The agreed conclusions and the draft resolution should have paved the way for the implementation of the right to development, providing guidance for the next session of the Working Group. The European Union would insist in future that the Working Group based itself on the agreed conclusions rather than the draft resolution just adopted by a vote. It looked forward to constructive discussions on substance at the Working Group's next session. For the above reasons, the European Union had abstained during the voting.

32. **Mr. Begg** (New Zealand) said that his delegation supported the broad thrust of the draft resolution on the right to development, while reaffirming that all human rights were universal, indivisible, interdependent and interrelated. New Zealand regretted the failure to reach a consensus and had therefore abstained. The draft resolution had raised a number of issues on which his delegation believed further consideration was needed. The Working Group's conclusions had offered a sound foundation which should have been used for a consensus resolution in the General Assembly.

Draft resolution A/C.3/57/L.61: Protecting human rights and fundamental freedoms while countering terrorism

33. **Mr. Simancas Gutiérrez** (Mexico), speaking on behalf of the sponsors, drew attention to the revisions to the text of the draft resolution, which included those agreed during the consultations, and said it was being circulated as an informal paper. Bolivia, Croatia, Honduras, New Zealand, Suriname, Switzerland and Uruguay had joined the sponsors.

34. *Draft resolution A/C.3/57/L.61, as orally revised, was adopted.*

35. **Mr. Osmane** (Algeria) said that his delegation had joined the consensus on the draft resolution on the understanding that the fight against terrorism must respect human rights and fundamental freedoms. There were differences regarding doctrine and priorities among Member States, but in the end, protection of human rights was the main priority of all. The international community must avoid becoming embroiled in legal arguments, however, remembering that terrorism violated the most basic right, the right to life. It was important not to hamper public authorities in fighting terrorism. His Government, for its part, would respect the law but would use all means at its disposal to fight terror, which had claimed many victims in Algeria.

36. **Mr. Roshdy** (Egypt) said that a balanced draft resolution was not one that was pleasing to all; it was one that upset everyone but still managed to be adopted by consensus. His delegation believed that a balanced text had just been adopted, representing a consensus on the relationship between human rights and terrorism. Current events in the international arena made it increasingly important to explore that relationship. Many important questions still needed answers — for instance, whether terrorism was a violation of human rights and if States could "bend" human rights standards while countering terrorism. The draft resolution did not answer those questions, but it had begun a serious dialogue, and his delegation had supported it in order to reiterate its unequivocal condemnation of terrorism and its impact on human rights.

37. **Mr. Hahn** (Denmark), speaking on behalf of the European Union, said that the Union categorically condemned terrorism in any form, but emphasized that the fight against terrorism must be conducted with respect for the rule of law, human rights and fundamental freedoms. The international community must not fall into the trap of answering terrorist attacks by disregarding fundamental human rights principles.

38. The European Union welcomed the adoption of the draft resolution by consensus. At the same time, ambiguities remained regarding the legal aspects of the relationship between human rights and terrorism, and it would have preferred greater clarity regarding the mandate of the High Commissioner for Human Rights. It was of the opinion that nothing in the draft resolution should be read as limiting the High Commissioner's mandate. Furthermore, it would have preferred a reference to Security Council resolutions 1373 (2001) and 1377 (2001), which had set the framework for United Nations counter-terrorism measures.

39. **Mr. Andrabi** (Pakistan) said that his delegation recognized the importance of the issues addressed in the draft resolution just adopted and the difficulty of the negotiations. However, the importance of addressing the root causes of terrorism had not been adequately reflected in the text. Terrorism did not emerge from a vacuum, and economic, political and social disparities and injustices were contributing factors. Conflict situations, discrimination, intolerance, extreme poverty, underdevelopment and denial of human rights, especially the right to self-determination, helped to create an environment in which terrorism took root. Despite those concerns, however, Pakistan had joined the consensus in view of the importance of the issue.

40. **Mr. McCamman** (United States of America) said that his delegation had joined the consensus on the draft resolution because it agreed that human rights must be respected by States in their efforts to counter terrorism. However, in its view, the Sixth Committee was the appropriate forum to address matters related to terrorism.

41. The third preambular paragraph seemed to be inconsistent with article 2, paragraph 1, of the International Covenant on Civil and Political Rights, which expressed the international standard in that area, namely that each State party had an obligation to protect the human rights of all individuals within its territory and subject to its jurisdiction. That paragraph of the draft resolution suggested that the obligation was imposed on States concerning all persons without qualification or limitation, which in his delegation's view was not completely correct. It had joined the consensus with the understanding that the paragraph would be interpreted in a manner consistent with the obligations under article 2, paragraph 1, of the Covenant.

42. **Mr. Sinaga** (Indonesia) said that, as a recent victim of terrorism, his country welcomed the adoption of the draft resolution. However, he stressed that, while countering terror, no State should target specific groups based on religion or nationality. He echoed the

concerns raised by Pakistan regarding the need to address the root causes of terrorism.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/57/L.49 and L.50)

Draft resolution A/C.3/57/L.49: Human rights situation in Iraq

43. **Mr. de Barros** (Acting Secretary of the Committee) said that, in paragraph 6 of the draft resolution, the General Assembly would request the Secretary-General to continue to give all the necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully. The Secretariat wished to draw attention to the provision of part B, section VI, of General Assembly resolution 45/248, in which the Assembly had reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions. Provision for the Special Rapporteur had already been made in the programme budget for the biennium 2002-2003; hence, adoption of the draft resolution would not entail any additional appropriation.

44. **Mr. Hahn** (Denmark), speaking on behalf of the sponsors, said that a number of revisions had been made to the text of the draft resolution. The following preambular paragraph had been added after the eighth preambular paragraph: "*Concerned* about the lack of procedural and substantive safeguards in the administration of justice in Iraq, including in the application of the death penalty". In paragraph 1, the words "set the stage" should be replaced by "could serve as a basis". Paragraph 2 would read: "*Notes* that: (a) The Government of Iraq has responded in writing to some requests for information made by the Special Rapporteur on the situation of human rights in Iraq; (b) The Government of Iraq has accepted a second visit of the Special Rapporteur". Paragraph 5 (j) should be deleted.

45. Albania, Japan, New Zealand, Switzerland and the United States of America had joined the sponsors.

46. **Mr. Al-Douri** (Iraq) said that, when the Committee had begun its consideration of draft resolution A/C.3/57/L.49, successful talks had just been held, based on Iraq's consent to deal with Security Council resolution 1441 (2002), with a view to the resumption of the activities of the inspectors. They would thus be able to perform their duties and ascertain that Iraq was devoid of weapons of mass destruction. At the same time, United States and British aircraft were bombing civilian areas daily, causing civilian deaths, while senior United States officials threatened to wage war against Iraq and occupy it militarily. Such daily hostile acts and threats entailed grave violations of human rights.

47. The first draft resolution on the human rights situation in Iraq had been introduced in the 1980s and adopted in 1991. Since that time, notwithstanding the steady improvement in the overall human rights situation that had taken place in Iraq, despite the effects of the oppressive sanctions on human rights there, the same resolution had been systematically repeated, with minor formal changes, owing to the intransigence of its sponsors and the European Union. The current draft reflected well-known political aims, lacked objectivity and, like its predecessors, used a language of confrontation and condemnation rather than one of dialogue and discussion. Its purpose ought to be the protection of human rights, a lofty goal which States must not be permitted to exploit to serve their political objectives or to change regimes or social, political or economic systems.

48. If the sponsors wished to promote human rights in Iraq and had real concern for Iraqi people and wished them to have a free and noble life, as they asserted, it would behove them, first of all, to point to the tragedies caused by the sanctions and the daily assaults on Iraq by United States and British aircraft and to demand, in the draft resolution, inasmuch as it related to human rights, a definitive end to those inhumane measures and to all the violations of human rights to which the people of Iraq were consequently subjected. Iraqis were suffering greatly from a lack of medicine, food, schools and other basic necessities. Surely such things were related to human rights; yet because the draft resolution was primarily political in intent, it expressed no concern for them.

49. He wished to address not the European Union, but the countries of the third world and persons of free conscience in Europe and the United States who were genuinely concerned about human rights, not those pursuing political objectives that harked back to colonialism. His delegation wanted them to know the extent of the injustice being inflicted on Iraq and other peace-loving peoples.

50. His delegation had stressed the importance of breaking the silence regarding the deteriorating humanitarian conditions in Iraq and had called repeatedly for an end to prejudice, selectivity and politicization in dealing with related human rights issues. It had appealed for an earnest dialogue on the subject and wondered why the European Union consistently refused such a dialogue, relying on outdated information and ignoring the report of the Special Rapporteur, who had visited Iraq. It also requested the Third Committee and the General Assembly to demand, in the interest of democracy and transparency, that States submitting such draft resolutions should engage in a dialogue with the States concerned and that the European Union should enter into such a dialogue with Iraq, as a basic right.

51. As an example of the one-sided view of the sponsors, he said that, whereas in October 2002 the Government of Iraq had granted amnesty to all prisoners, including those sentenced to death, in a desire to promote human rights and to offer a new chance to those who had gone astray, the countries of the European Union, rather than commending that humanitarian initiative, had treated it with contempt, referring to it in their draft as "continued prison cleansing" and thus clearly showing their political motives. The Special Rapporteur would be visiting Iraqi prisons, which were empty except for a few persons who had consented to collaborate with foreign States, chiefly the United States of America and Israel.

52. The draft did not mention the positive dialogue with high Iraqi officials reported by the Special Rapporteur following his visit to Iraq, but rather repeated allegations obtained from quarters hostile to Iraq and supported by the United States, the United Kingdom and certain other States. Moreover, the responses of those officials to the Special Rapporteur's questions had not been merely in writing, as stated in the draft, but had involved cooperation on the ground. It was distressing that the sponsors had ignored that important dialogue and Iraq's unhesitating cooperation.

53. The sponsors had intentionally ignored even a reference by the Special Rapporteur to the grave humanitarian situation resulting from the sanctions, which had caused the death of 1.7 million Iraqi citizens. He wondered why the European Union did not call for the lifting of the sanctions and an end to the slow death of Iraqi women and children — one of the most shocking violations of the right to life — and why no attention was paid to what international organizations were reporting as a crime of genocide or to the systematic destruction of civilian installations and essential support structures in Iraq, including educational and health facilities and places of worship.

54. He had been surprised at the strong opposition of the European Union and its allies, in the First Committee, to a draft resolution on the use of depleted uranium in armaments, which had been intended to avert from communities everywhere the effects of that use suffered by the children of Iraq. Such opposition was a clear indication of the biased positions of the States of the European Union, since the issue related to the right to life and the right to live in a sound, healthy environment.

55. His delegation wished to reaffirm that the promotion of human rights required a climate of security, stability and peace in which the State exercised its full responsibility and sovereignty over its resources and its wealth. The conditions imposed on Iraqis, however, had destroyed that climate, sometimes forcing the State to take exceptional steps to restore the tranquillity and security previously enjoyed by citizens.

56. The accusations and reference to terrorism in the draft resolution were objectionable and alarming, for Iraq condemned terrorism in all its forms. They were not based in fact, but were intended to sow confusion and written in a harsh tone not found in any other draft resolution introduced before the Committee. Because the draft was devoid of objectivity, purely political in nature and aimed at confrontation rather than mutual understanding, his delegation appealed to all delegations having an active conscience to take a moral stand and vote against it as an expression of their belief that human rights must not be politicized. It urged them not to yield to pressure from certain States, for the subject of the draft was human rights, not international political relations.

57. **The Chairman** said a recorded vote had been requested on the draft resolution.

58. **Mr. Nikiforov** (Russian Federation) requested recorded votes also on paragraphs 4 (a), (b), (e) and (f) of the draft resolution.

59. *A recorded vote was taken on paragraph 4 (a).*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and

Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

Against:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

60. *Paragraph 4 (a) was adopted by 76 votes to 8, with 72 abstentions.*

61. *A recorded vote was taken on paragraph 4 (b).*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

Against:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, Honduras, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

62. *Paragraph 4 (b) was adopted by 76 votes to 8, with 71 abstentions.*

63. *A recorded vote was taken on paragraph 4 (e).*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and

Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

Against:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

64. *Paragraph 4 (e) was adopted by 76 votes to 8, with 71 abstentions.*

65. *A recorded vote was taken on paragraph 4 (f).*

In favour:

Albania, Andorra, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

Against:

China, Cuba, Libyan Arab Jamahiriya, Nigeria, Russian Federation, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Ethiopia, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Swaziland, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

66. *Paragraph 4 (f) was adopted by 77 votes to 8, with 71 abstentions.*

67. **The Chairman** said the Committee would proceed to take action on draft resolution A/C.3/57/L.49 as a whole, as orally revised.

68. **Ms. Mohamed Ahmed** (Sudan), speaking in explanation of vote, said that as a matter of principle her delegation supported the need to eliminate all violations of human rights but stressed that such efforts should not be undertaken in a selective and politicized manner, imposing double standards on certain States and making unfounded allegations. Human rights situations, including in Iraq, should be resolved through dialogue. Her delegation would therefore vote against the draft resolution.

69. She called for lifting of the sanctions imposed on the Iraqi people, which had had serious effects on the elderly, women and children, and called for international standards to be respected, including with regard to the sovereignty and territorial integrity of both Iraq and Kuwait. She also urged resolution of the situation regarding Kuwaiti detainees and prisoners of war.

70. **Mr. Cherif** (Tunisia), speaking in explanation of vote, said the draft resolution reflected a selective application of human rights standards and an attempt to impose a unilateral political view. The human rights situation in specific countries must be treated with transparency and objectivity. With regard to Iraq, he stressed the need to eliminate the suffering of the Iraqi people and called on the permanent members of the Security Council to consider lifting the sanctions. His delegation would abstain in the vote.

71. *A recorded vote was taken on draft resolution A/C.3/57/L.49 as a whole, as orally revised.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Yugoslavia.

Against:

Libyan Arab Jamahiriya, Nigeria, Sudan, Syrian Arab Republic.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Grenada, Haiti, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Zambia, Zimbabwe.

72. *Draft resolution A/C.4/57/L.49, as a whole, as orally revised, was adopted by 86 votes to 4, with 71 abstentions.*

73. **Ms. Al Haj Ali** (Syrian Arab Republic) said her delegation had voted against the draft resolution but called on the Iraqi authorities to cooperate in addressing the concerns of the international community concerning Kuwaiti prisoners.

74. **Mr. Morikawa** (Japan), referring to paragraph 5 (c), stressed that it was the sovereign right of every nation to decide whether or not to establish a moratorium on executions. His delegation believed that the subject was adequately covered in the new preambular paragraph that followed the eighth.

75. **Mr. Al-Enezi** (Kuwait) noted that, despite numerous resolutions adopted by the General Assembly, the Commission on Human Rights and the Security Council, Iraq had made no serious attempt to

implement their provisions. It had, for example, consistently refused to provide information on the identities and fate of, or to release, Kuwaiti prisoners and detainees. Statements by the representative of Iraq concerning the amnesty for prisoners were aimed at misleading international opinion. Iraq must cooperate in resolving the situation involving prisoners and detainees from Kuwait and other countries.

Draft resolution A/C.3/57/L.50: Situation of human rights in the Democratic Republic of the Congo

76. **Mr. de Barros** (Acting Secretary of the Committee), said that, in paragraph 8 (c) of draft resolution A/C.3/57/L.50, the General Assembly would request the Secretary-General to give the special rapporteurs and the joint mission all necessary assistance to enable them fully to discharge their mandate.

77. The Secretariat drew attention to the provision of part B, section VI, of General Assembly resolution 45/248, in which the Assembly reaffirmed that administrative and budgetary matters should be dealt with by the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions. Provisions for the special rapporteurs and the Working Group were already made in the programme budget for the biennium 2002-2003. Hence, adoption of the draft resolution would not entail any additional appropriation.

78. **Mr. Hahn** (Denmark), speaking on behalf of the sponsors, announced that the delegations of Albania, Japan and Switzerland wished to join the sponsors. He wished to make a number of revisions which reflected concerns raised by the delegation of the Democratic Republic of the Congo. He hoped the revised text would be adopted without a vote.

79. In the third preambular paragraph, the words "and humanitarian law" should be inserted between the words "human rights" and "instruments"; in the ninth preambular paragraph the words "including in the Ituri region," should be added at the end of the paragraph; a new preambular paragraph should be added after the ninth, to read "*Concerned* about the lack of procedural and substantive safeguards in the administration of justice in the Democratic Republic of the Congo,".

80. Paragraph 1 (c) should be replaced with "The continuing dialogue between the authorities of the Democratic Republic of the Congo and Burundi and hope that this will lead to the permanent normalization of relations between the two countries;"; in paragraph 1 (e) the words "notwithstanding the statements made by the Government" should be deleted; paragraph 1 (h) should be replaced with "The commitment of the Democratic Republic of the Congo to cooperate with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the recent arrest and transferral to Arusha of a prominent suspect in the Rwanda genocide;".

81. In paragraph 1 (m), the words "and of the Pretoria and Luanda Peace Accords" should be inserted following the words "Lusaka Ceasefire Agreement"; in paragraph 2 (b), the words "and urges that all perpetrators be brought to justice, and referring to the statement by the President of the Security Council of 18 October 2002" should be added at the end of the paragraph. In paragraph 5 (c), the words "and notes in this regard the presidential Decree No. 0223/2002 of 18 November 2002" should be added at the end of the paragraph; in paragraph 5 (g), the words "cooperate fully" should be replaced with "continue to cooperate" and, near the end of the paragraph, the words "continues to" should be inserted following the words "Democratic Republic of the Congo".

82. **Mr. Muvunyi** (Rwanda), referring to paragraph 2 (c), stressed that his country did not control any territory in the Democratic Republic of the Congo. All Rwandan troops had been withdrawn from the Democratic Republic, as had been confirmed by the Third Party Verification Mechanism (S/2002/1206). His delegation would therefore vote against the draft resolution.

83. **Mr. Beyendeza** (Uganda) requested a recorded vote on the draft resolution as a whole.

84. **The Chairman** said that, at the request of the United States, a recorded vote would be taken on paragraph 1 (i).

85. **Mr. Brown** (United States of America) reiterated that his delegation did not wish to undermine the International Criminal Court or question the right of the Democratic Republic of the Congo to become a party to the Rome Statute. Its reasons for opposing the

Rome Statute were well known, and it had requested that the paragraph should be amended so that "*Welcomes*" was replaced by "*Takes note* of" or "*Acknowledges*". His delegation would nevertheless support the draft resolution as a whole as a sign of its concern about the human rights situation in that country.

86. **Ms. Patterson** (Canada), speaking also on behalf of the European Union and Liechtenstein, and supported by **Ms. Baardvik** (Norway) and **Ms. Groux** (Switzerland), strongly welcomed ratification by the Democratic Republic of the Congo of the Rome Statute of the International Criminal Court. It would have been sufficient for the United States to express its opposition in a statement for the record, and she regretted the need to take a vote and break consensus on an important human rights resolution.

87. **Mr. Begg** (New Zealand) said his delegation welcomed each new ratification of the Rome Statute, including that of the Democratic Republic of the Congo. The International Criminal Courts would contribute greatly to removing impunity for those who were guilty of massive human rights violations. His delegation would vote in favour of the paragraph.

88. **Mr. Ileka** (Democratic Republic of the Congo) said his Government had been pleased to become the sixtieth State to ratify the Rome Statute, allowing it to enter into force. He did not understand the United States delegation's request for a vote on paragraph 1 (i) and called on all States which supported the International Criminal Court to vote in favour of the paragraph.

89. *A recorded vote was taken on paragraph 1(i).*

In favour:

Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia, Zambia and Zimbabwe.

Against:

United States of America.

Abstaining:

Azerbaijan, Bahamas, Bangladesh, Bhutan, Brunei Darussalam, Cameroon, Cape Verde, Egypt, Ethiopia, India, Indonesia, Iran (Islamic Republic of), Israel, Libyan Arab Jamahiriya, Malaysia, Marshall Islands, Mauritania, Myanmar, Nepal, Nicaragua, Pakistan, Qatar, Singapore, Sri Lanka, Turkey and Uganda.

90. *Paragraph 1 (i) was adopted by 125 votes to 1, with 26 abstentions.*

Explanations of vote before the voting on draft resolution A/C.3/57/L.50.

91. **Mr. Ileka** (Democratic Republic of the Congo) said that all the human rights problems in his country stemmed from the armed invasion and occupation by troops of Burundi, Rwanda and Uganda that began in August 1998. The catalogue of human rights violations committed by those troops had been well documented by United Nations agencies, special rapporteurs and non-governmental organizations operating in the region. Acts of terror against the civilian population, including cases of summary execution, torture and the deliberate infection of civilians with HIV/AIDS, had led to 3.5 million deaths, 3 million internally displaced persons and 400,000 refugees. In spite of such aggression, his Government had continued to honour

its international human rights commitments. The Special Rapporteur, in her report (A/57/437), had drawn attention to the progress made in government-controlled territory while referring to massive human rights violations in territories controlled by the rebels. However, the draft resolution had failed either to make that distinction or to reflect the reality of the situation on the ground.

92. His delegation had asked the sponsors to include a specific reference to the occupying forces of Rwanda and Uganda in paragraph 2 (b). It had requested the deletion of the second part of paragraph 5 (c), since the Government had already put an end to the trying of civilians by military court. It could not accept the offensive language used in paragraph 5 (g) with regard to the arrest of *genocidaires* in its territory. Lastly, it failed to understand the insistence in paragraph 5 (c) on the abolition of the death penalty, particularly since certain developed countries made use of capital punishment to a far greater extent. It was impossible to abolish the death sentence immediately, in view of the continuing state of war, the strength of public opposition, and inadequate rehabilitation systems. Nevertheless, his Government had pledged to abolish it gradually, with a view to raising public awareness and reforming the criminal justice infrastructure. The draft resolution was both unhelpful and inaccurate in that regard.

93. It was deeply regrettable that the conception of human rights held by the sponsors perpetuated double standards between the South and the North, and failed to take into account the positive steps taken by his Government. His delegation would have preferred a postponement of action regarding the draft resolution, in order to seek a more balanced consensus. Having failed to achieve that, it would abstain during the voting, and urged other delegations to do the same.

94. **Mr. Muvunyi** (Rwanda) said that his country was not an aggressor, and nor did it occupy any of the territory of the Democratic Republic of the Congo. It had entered the territory of that country to pursue *genocidaires* responsible for the deaths of over 1 million Rwandans. The Democratic Republic of the Congo had continued to harbour *genocidaires* and, subsequently, had failed to implement the Peace Agreement signed between it and Rwanda. Unless it began to implement that Agreement, there could be no restoration of peace in the Great Lakes region.

95. **Mr. Nteturuye** (Burundi) said that his delegation intended to abstain from the voting because, on one hand, the draft resolution contained important elements that sought to promote peace and human rights in the Democratic Republic of the Congo but, on the other, it failed to take into account recent developments such as the withdrawal of foreign troops from the territory of that country. Burundi had withdrawn its last remaining battalion from the country in September 2002. However, rebel groups continued to attack civilians in Burundi from bases within the Democratic Republic of the Congo. Despite attempts made by his Government, the Democratic Republic had failed to sign an agreement to re-establish diplomatic relations between the two countries. Until such an agreement was signed, it would be impossible to establish, on one hand, whether Burundi had withdrawn all troops from the Democratic Republic and, on the other, whether the latter continued to support rebel groups in carrying out attacks on civilians in Burundi.

96. **Mr. Beyendeza** (Uganda) said that his country would vote against the draft resolution because it contained a number of false and misleading references to his country. As the Special Rapporteur had admitted during the recent dialogue concerning her interim report, her analysis of the situation on the ground had been flawed in a number of ways. It was therefore regrettable to say that the General Assembly "*welcomed*" that very report, in paragraph 1 (j) of the draft resolution, and used it as a source of information in paragraph 8. Moreover, paragraph 2 (c) misled the international community by inferring that Uganda controlled parts of the Democratic Republic of the Congo. The last battalion of Ugandan troops in that country had remained, at the request of the United Nations Secretary-General, as a stabilizing force in support of the Lusaka Agreement. According to a bilateral agreement signed between his Government and the Democratic Republic of the Congo, the remaining battalion was scheduled to leave by 15 December 2002.

97. *A recorded vote was taken on A/C.3/57/L.50 as a whole, as orally revised.*

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark,

Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Vincent and the Grenadines, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against:

Nigeria, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Myanmar, Namibia, Nepal, Pakistan, Philippines, Qatar, Russian Federation, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

98. *Draft resolution A/C.3/57/L.50, as orally revised, was adopted by 83 votes to 3, with 72 abstentions.*

The meeting rose at 1.30 p.m.